

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 489 - SB 676**

February 3, 2023

**SUMMARY OF BILL:** Specifies that the requirement for a bank or subsidiary corporation of a bank to notify the Department of Revenue (DOR) of the death of the sole or last surviving lessee of a safe deposit box does not apply if the lessee died after December 31, 2015. Establishes that a state trust institution is not required to publish public notice in order to establish and maintain a new trust office. Authorizes the holder of debt secured by a mortgage, deed of trust, or other lien to assess and collect fees from the borrower of the debt for the anticipated or actual costs of making entry of partial or entire payments upon the record, or for registering a formal release.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 67-8-318, the inheritance tax does not apply to those who died in 2016 or any subsequent year; therefore, notifying DOR following the death of the sole or last surviving lessee is no longer necessary. The removal of the notification requirement will not impact DOR operations or state or local tax revenue.
- Pursuant to Tenn. Code Ann. § 66-25-106, the costs of making entry of partial or entire payments upon the record, or for registering a formal release, are to be paid by the holder of the debt secured by the mortgage, deed of trust, or other lien.
- The proposed legislation would allow the holder of debt to collect fees from the borrower to cover certain anticipated costs. Any impact will be borne by private parties.
- The proposed legislation will require the Department of Financial Institutions to update application-related processes and procedures to remove any requirements regarding a state trust institution having to file a public notice in order to establish and maintain a new trust office. The costs associated with this will be minimal; therefore, any fiscal impact is considered to be not significant.

## **IMPACT TO COMMERCE:**

### **NOT SIGNIFICANT**

Assumption:

- The provisions in the proposed legislation are expected to minimally affect business operations; therefore, any impact to jobs or commerce in this state is estimated to be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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